

Buchanan

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May 16, 2024

VIA ECF

The Honorable Brenda K. Sannes
Chief Judge United States District Court
James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207

Re: *Sarhadi v. Geever, et al.*, Civil Action No. 24-cv-00031 (BKS/CFH)

Dear Judge Sannes:

Buchanan Ingersoll & Rooney PC represents defendant Hardwork Distribution, Inc. (“Hardwork”) in the above-entitled matter. We write to correct a number of inaccuracies set forth in the Letter Motion filed by Plaintiff¹ on the May 15, 2024. (ECF No. 32) and also to request a schedule change since Plaintiff’s requested schedule change reduced Hardwork’s time to submit a reply on our pending motion to dismiss from 15 days to 7 days, but with the added likely need to at the same time oppose Plaintiff’s motion to amend her First Amended Complaint (“FAC”) during the same shortened time period.

As an initial matter, Plaintiff disingenuously suggests that Hardwork did not timely file its Motion to Dismiss when she states that Hardwork filed its Motion on “April 22, 2024, two days after its court-ordered deadline” rather than on April 20, 2024. However, April 20, 2024 fell on a Saturday and per Fed. R. Civ. Rule 6, Hardwork’s time to file its Motion was continued to Monday, April 22, 2024.

On May 13, 2024 (21 days after Hardwork filed its Motion to Dismiss and seven days before her response was due), Plaintiff requested that Hardwork consent to the filing of a second amended complaint. Hardwork responded to Plaintiff the same day noting that Hardwork had expended significant resources in drafting the Motion to Dismiss the FAC and requesting additional information about Plaintiff’s proposed amendments. Plaintiff responded the next day on May 14, 2024 setting forth a number of vague allegations that she planned to add to a second amended complaint.

¹ References to the parties are inclusive of references to the parties’ counsel.

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Yesterday afternoon at approximately 1:09 PM (EST) Plaintiff left a message for my colleague, Natalie Peled. Ms. Peled returned counsel's call fewer than twenty minutes later. There was no answer and Ms. Peled left a message requesting that Plaintiff provide additional details regarding the proposed amendments to the FAC so that Hardwork could properly weigh whether a second amended complaint would cure the deficiencies in the FAC such that Hardwork would not be required to expend additional resources in filing a second motion to dismiss. Instead of responding to Ms. Peled, Plaintiff filed the Letter Motion and for the first time requested an extension of time for Plaintiff to file her opposition to Hardwork's Motion to Dismiss. Plaintiff never requested an extension of time, nor did Plaintiff discuss amending the previously negotiated (and court ordered) briefing schedule with us. This is not the first time that Plaintiff has refused to communicate with us before requesting an extension and the same was previously raised with Plaintiff's counsel.

Upon receipt of the request set forth in Plaintiff's Letter Motion, the Court immediately granted the same and reset the briefing schedule, drastically reducing Hardwork's time to reply to Plaintiff's opposition. Accordingly, Hardwork, requests that its time to reply in further support of its Motion to Dismiss (and also oppose the cross motion to again amend the complaint) be extended to July 19, 2024.

The original briefing schedule agreed to by the parties and so-ordered by the Court (ECF 23) provided Hardwork with 15 days to file a Reply. Given the intervening holiday and previously scheduled vacations (as well as the likelihood that Hardwork will also need to draft an opposition to Plaintiff's motion amend her complaint), Hardwork respectfully requests that its time to respond to Plaintiff's Opposition to Hardwork's Motion to Dismiss be extended from June 27, 2024 to July 19, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stuart P. Slotnick", with a stylized, looping flourish at the end.

Stuart P. Slotnick

SPS/